July 1, 2003

Ms. Sara Kyle, Chairman Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN. 37243-0505

RECEIVED

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03-00435

SARA KYLE, COMMISSIONE TN REGULATORY AUTHORITY

RE: 03-0226

Subject: Request to have telephone number (865) 213-6381 grandfathered into the Loudon County Tariff Zone.

Dear Chairman Kyle:

By copy of this letter I am hereby requesting a hearing before the Tennessee Regulatory Authority (TRA) to hear and review documentary proof as to why telephone number (865) 213-6381 should be grandfathered into Loudon County.

Background:

I currently reside at 619 County Road 298, Sweetwater, TN. The residence in which I now reside was constructed by me in the fall of 1988. At that time the address was listed as 5439 Blue Springs Road, Sweetwater, TN. The one acre plot to which my house resides was a part of the larger 130 acre farm owned by my parents. My house in on the edge of the property where the Loudon County line runs in a zigzag fashion.

In approximately 1994 my original telephone number of (423) 337-6381 was changed by BellSouth to (423) 213-6381. This change was not solicited by me and was done by BellSouth's own accord. Then in approximately 1998 the area code was changed from (423) to (865) making my number (865) 213-6381. Again, this was done by BellSouth without solicitation. My number has remained consistent from the time my residence was constructed in 1988 and these numbers have been distributed across the country with those to whom I have business dealings with to include private business and multiple state, local, and federal law enforcement agencies and agency personnel.

In November 2002, eight years after the original change, BellSouth began to charge long distance telephone charges for areas to which I had not been charged for the prior eight year period. After multiple inquires to BellSouth, no answers could be provided. As a result, I filed a complaint with your office resulting in Case # -03-226. BellSouth, after the complaint was filed, contacted my home and inquired as to the situation. I attempted to explain to Mr. Joe Thatcher, BellSouth, Kennesaw, GA as to the situation as to where my residence was in relation to the county lines of McMinn and Loudon. Mr. Thatcher advised in early March 2003 that he was closing the case without action. At this point I assumed that the situation was resolved. Approximately two weeks later Mr. Thatcher contacted my home and informed my wife that the number would be changed in 10

minutes. Mr. Thatcher would not give us time to provide proof as to the location of our residence in relation to the county line and the confusion of the situation.

Attempted Resolution:

This situation is not black and white as BellSouth would like for it to be. After many discussions with BellSouth and Ms. Jean Curran of your office TRA has ruled that allowing my residence to maintain the number (865) 213-6381 would be a tariff violation since my property taxes are paid to McMinn County. During the review by TRA and BellSouth we were asked to provide documentation as to how and what our affiliation with Loudon County was.

We contacted Mr. Doyle Arp, Property Assessor, Loudon County, Tennessee. Mr. Arp advised that our property could be technically in Loudon County Tennessee. In fact our residence is identified on the Loudon County Ortho Map. Mr. Arp stated that the reason our taxes go to McMinn in lieu of Loudon is because the majority of the original farm was in McMinn and it was easier for both counties to use the property lines as a line of demarcation and not the actually county line. Mr. Arp stated that the actually county line zigzags and by his estimate my residence, partially, is located inside Loudon County. In addition, Mr. Dennis Roddy, E911 director was contacted and he, as well, stated that the line was very confusing. Mr. Roddy's system identifies my residence as 5439 Blue Springs Road as does Mr. Arp's. After reviewing the ORTHO map Mr. Roddy said that Loudon County would respond in a 911 emergency. Arial photographs will show that the county line is not a straight line and that my property is located inside the Loudon County ORTHO mapping system {Attachment 1}. BellSouth provided the Base Rate Area, Zone Rate and Exchange Service Area Map for the 213 exchange. This map will show that my residence in within the boundary for this calling area {Attachment 2}.

During a conference call in May 2003 between myself, Ms. Curran of your office, BellSouth representative and E911 directors from both Loudon and McMinn it was determined that Loudon and McMinn were willing to provide E911 service. BellSouth had originally indicated that this would be enough to restore my number, however after Loudon agreed to do so they changed positions that the use of the county line/tax roles as a line of demarcation. During the call the Loudon County E911 director stated that the beginning of my driveway was in Loudon County and the corner of my residence (not corner of property) was inside McMinn County by 55 feet. My driveway is approximately 900 feet long. This gives you some indication as to how the property line and county line runs. Aerial photographs will show that the Montooth farm adjoining my property taxes are paid to Loudon County but clearly overlap into McMinn. Again; the property of the Montooth farm is primarily in Loudon and thus the payment to Loudon. At no time has where my taxes were paid ever been in doubt. I have always been forthwith with this information as it is a part of public record. The only time that I have used 911 services was in 1994 at which time Loudon County ambulance service responded.

During the conference call BellSouth took the position that they could not change the number back to the one I have had for 8 years because in their opinion it would be a tariff violation, even after hearing the compelling circumstances of the confusing boundary lines and other mitigating factors.

I then informed BellSouth, as I had earlier, that a business in Sweetwater, TN, within the County of Monroe that has no extraordinary circumstances or confusing boundaries has approximately 100 telephone lines with the (865) 213 exchange that based on their (BellSouth's) position was certainly in violation of the TARIFF. BellSouth responded by saying they had no knowledge of this.

Requested Resolution:

Grandfather and restore (865) 213-6381 as my home phone. As earlier stated the change in number was done unsolicited by me and was done by BellSouth. This number has been in effect for over 8 years; Common Law in many instances is effective and binding after 7 years. This is a case of extrodinary cirmcunstances and situations and confusing boundaries, not simply addresses. My telephone number is and has been distributed to various law enforcement personnel and other businesses and business people throughout the country. A change in my number after 8 years would and has caused me financial harm. I respectfully request that my situation be considered and my number restored.

Exhibits to be introduced hearing:

If a hearing is granted the proof that will be entered as exhibits will show the confusing boundaries in relation to my residence, BellSouth's matrix which will show that my residence is within their own boundary map and information from the United States Agricultural Services for Loudon County that shows the family farm as being serviced by the Loudon County office {Attachment 3}.

In addition I will introduce documentary evidence to include property deeds and telephone listings for a local business that has approximately 100 numbers that are in obvious violation of the tariff as interpreted by BellSouth {Attachment 4 &5}.

I will be out of town from July 2 through July 21 and unable to respond. However; after that time I would welcome the opportunity to address this issue. I can be reached at (865) 576-9202 or my mail at 619 County Road 298, Sweetwater, TN. 37874 or by email at randallkizer@yahoo.com.

Attachments:

1)—Aerial Photograph, provided by Loudon County, Tax Assessor. The photograph will show the confusing county boundaries. Property that I have identified as McMinn is within McMinn County for taxes purposes due to the majority of the farm property, prior to being subdivided, being in McMinn and thus has remained this way making it easier.

These properties have Loudon County addresses because they have Loudon County road frontage, just as my property does at the beginning of my driveway. The woods that are identified adjacent to my house are Loudon County due to the same reasoning, the majority of the farm is in Loudon. A second photograph, not included, of my driveway entrance will show a McMinn County road sign beyond my driveway entrance indicating that my home is in Loudon County, adding to the confusion as to county lines.

- 2) BellSouth (formerly South Central Bell) West Sweetwater, TN. Base Rate Area, Zone Rate and Exchange Service Area Map.
- 3) U.S. Department of Agriculture, Farm Service Agency documentation indicating my service office being Loudon County.
- 4) Sweetwater Hospital Property Deeds
- 5) Sweetwater Hospital Telephone directory

In addition; by copy of this letter I am requesting a complete and exact copy of the information contained within or maintained by the Tennessee Regulatory Authority for file number RE: 03-0226 or any other documentation that contains the name Randall Kizer, Kim Kizer, or address 5439 Blue Springs Road, Sweetwater, TN. 37874 or 619 County Road, Sweetwater, TN. 37874.

Thank you for your consideration

Randall Kizer

で井十9145日 Loudon County Ortho # 53072 My House and. Driveway. ATTAChment !

South Central Bell
Telephone Company
TENNESSEE
DeWitt Ezell

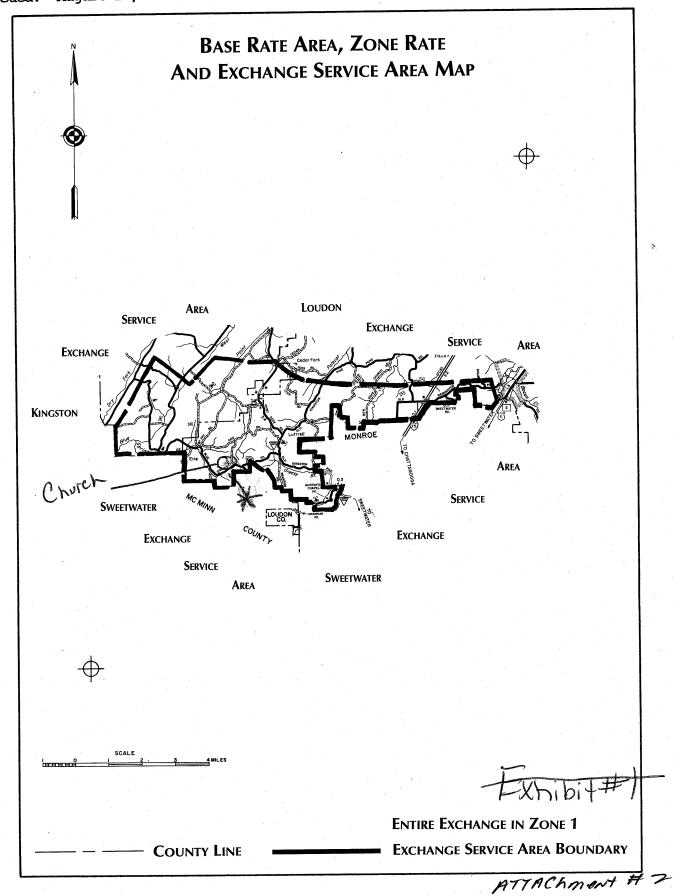
RATE AND SERVICE AREAS

TPSC Tariff M WEST SWEETWATER, TENN. Original Sheet

DeWitt Ezell President-Tennessee

Issued: August 23, 1994

Effective: September 23, 1994



TENNESSEE LOUDON

Report ID: FSA-156EZ-R001

"U.S. Dept. of Agriculture Farm Service Agency Abbreviated 156 Farm Record r erri The day of the

Prepared: 03/19/2003 Crop Year: 2003

Page: 1

DBL CROPPED FARM DESCRIPTION DCP EFF DCP FARMLAND CROPLAND OPERATOR: Name & Address **ACRES** CROPLAND CROPLAND 2000 DIV FSN 1391 ACTIVE 115.0 84.7 84.7 84.7

D LORETTA KIZER

423-337-5434

622 COUNTY ROAD 298

SWEETWATER

TN 37874 5131

FARMS ASSOC. WITH OP: NONE

OTHER PRODUCERS ASSOCIATED WITH FARM:

RANDALL KIZER

CRP Cropland:

CRP MPL:

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CRP Contract No.:

RECON. REF. NO.: B00030

FAV/WR HISTORY: N

Year: 2003 No. of Tracts: TRACT NO.: 10204 DIA RANGE UNIT NO.: CRP

FARMLAND

115.0

CROPLAND DCP

CROPLAND

84.7

WBP ACRES WRP ACRES

.0

STATE OTHER CONSRV CONSRV

EFF ICP CROPLAND

84.7

CRP HPL ACRES

Photo Grid Descr: A11/3A

FW PC AW MW PCW MG RW CWTE CAMA CN

J Y M N. 1

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1 - D LORETTA KIZER OWNER

CROPLAND

84.7

Manag & Braskett 03/19/03

Farm Records Other Producers Screen

105-LOUDON

Selection MIBUOT02

Version: AE37 03/17/2003 10:58 Term W3

Farm Number 3673

Operator D LORETTA KIZER

Line 4 Name

ID Number

1 RANDALL KIZER

414-06-5611 8

Line Number

Cmd5=Complete Transaction Cmd16=Add Cmd24=Delete Complete

Swanson Leo 613 Hot Water Rd.	261_2243	Sweetwater Head Start 29 Viy View Vig	337-5303	Sweetwater Printers 117 W. Walnut St 37874
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198 Marin Del	233-/200	Note: Patient Rooms May Be Dialed Direct By	Dialing 213 6 Plus	Sweetwater Realty Co 118 W N St 37874
Swanson Phillip 415 Cold Stream Farm Rd 37354	442-9119	The Room #	865-213-820ff	Sweetwater Salvage & Surplus 776 New H
Swanson Ray 11867 Hwy 68	261-2231	Patient Manical Information Services	307-3012	Sweetwater Super Pawn 320 Plaza 68 37874
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Sweet Marie 2117 Fairview Rd	253-2356	Ind Medicine	865-213-8226	If No Answer Dial
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Sweetwater Area Ministries 210 S Oak St 37874	4337-0210		865-213-8540	Switching Sta 149 Powell Av 37874
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In W. D. Book 76, page 340.

REGISTER FOR MONROE COUNTY, TENN

BORAD OF EDUCATION OF THE CITY OF SWEETWATER, CITY OF SWEETWATER SWEETWATER HOSPITAL ASSOCIATION

FOR AND IN CONSIDERATION Of the sum of Forty-five Thousand and No/160 Dollars (\$45,000.00), cash in hand paid, the receipt of which is hereby acknowledged, the BOARDOF EDUCATION OF THE CITY OF SWEETWATER,

TENNESSEEV composed of D. N. McQuiddy, Chairman, Jos. A. Sizer, Secretary, and Joe W. Loomis, and the CITY

OF SWEETWATER, a municipal corporation located in Monroe County, Tennessee, have this day bargained and sold, and do, by these presents, hereby sall, transfer and convey unto the SWEETWATER HOSPITAL ASSOCIATION, a non-profit corporation incorporated under the laws of the Stateof Tennessee, with its office and principal placeof business located at Sweetwater, Monroe County, Tennessee, its successors and assigns, the rollowing described real estate, to-wit:

Lying and being inthe First Civil District of Moroe County, Tennessee, and beind all of Lots No. 126 and 127 in the original plan of the City of Sweetwate, r, Tennessee, subject to the exceptions hereinafter set out, and beingmore particularly described as follows:

BEGINNING at a point where the westerly side of High Street intersects with the northerly side of Wright Street and running thence up the hill in a westerlydirection with Wright Street to the easterly side of Church Street; thence running ina northerly direction with Church Street to the southerly side of Morris Street; thence running down the hill with Morris Street to the westerly side of High Street; thence running in a southerly direction with High Street to the point of beginning

And being the same property conveyed to the Board of Education of Sweetwater, Tenn., by Carson & Newman College, by deed dated August 31st, 1916, of record in the Register's Office for Monroe County, Tennessee, in Deed Boook 23, page 1995 and by quitclaim deed of S. T. Jones dated October 19th, 1916, of record in the Register's Office for Monroe County, Tennessee, in Deed Book 72, page 373.

There is excepted form this conveyance any and all existing street right of ways and specifically a strip of land ten (10) feet inwidth running the entire length of the northern boundary of Lot No. 127, said strip being adjacent to and measured from the southerly dide of the original Morris Street right of way as the same appears uponthe original plat or plan of the Town of Sweetwater, Andeasementeror street purposes over the then (10) foot strip herein described is hereby specifically reserved and excepted and is being this date conveyed to the City of Sweetwater by the Board of Education.

TO HAVE AND TO HOMDthe property above described, together with the hereditaments and appurtenances there unto appertaining, and every right and interest herein, both legal and equitable, to the said Sweetwater H spital Association, of Sweetwater, Monroe County, Tennessee, and its successors and assigns, in fee simple, forever.

The grantors covenant to and with the said SweetwaterHospital Association, and its successors and assign that they are lawfully setzed and possessed of said property, have a good right to sell and convey the same,

JOE K. WALLACE, ET UX SWEETWATER HOSPITAL ASSOCIATION %) 639 FOR AUD IN CONSIDERATION of the sum of One hollar (11.60), to us cash in tend paid, the receipt of which is hereby acknowledged, and the assumption of certain indebtedness hereinafter set out, we, Jos R. MATLACE, and wafe, MILDRED WALLACE, of Gweetwater, by these presents, hereby self, transfer, and convey unto SHEPT ATEL HOSPITAL ASSOCIATION, a Tennessee general welfare corporation, with its office and principal place of business in Sweetwater, Monroe County, Tennessee, its successors and assigns, the following described real estate, to wit: LYING AND BEING in District No. One of Monroe County, Tennessee, and in the City of Sweetwater, Tennessee, and being the Eastern half of Lot No. 141 in the original plan of Said City of Sweetwater, Tennessee, and being more particularly described as follows:

55 CENTS

This Instrument BECINIING at the corner of Church Street and Hickory Street (or alley) or Valnut Street and running with Church Street, Southwardly to the Northeast corner of Parking Lot of the First Baptist Church of Sweetwater, Tennessee, (formerly Mrs. Maggie Scruggs); thence with the line of said Church Parking Lot westwardly to Summitt Street; thence with Summitt Street northwardly to Hickory Alley; thence with Hickory Alley eastwardly to the beginning corner, and



BEING the same property conveyed to Joe K. Wallace by Deed of Mary E. Loomis, which Deed is dated August 22, 1963 and is of record in the Register's Office for Monroe County, Tennessee, in W. D. Book 88; page 576.

TO HAVE AND TO HOLD the property above described; together with all of the hereditaments and appurtenances thereunto appertaining, and every right and interest therein, both legal and equitable, to the said SWEETWATER HOSPITAL ASSOCIATION, its successors and assigns, in fee simple forever.

We covenant to and with the said SWEETWATER MOSPITAL ASSOCIATION, its successors and assigns, that we are lawfully seized and possessed, have a good right to sell and convey the same, and